



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,630	05/26/1999	KIKUO NAITO	35.C13542	1709

5514 7590 12/17/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

2672

DATE MAILED: 12/17/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

2

## Office Action Summary

Application No.

09/318,630

Applicant(s)

NAITO ET AL.

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26, 57, 59-64, 66-75 and 77-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-26, 57 and 59 is/are allowed.
- 6) ☒ Claim(s) 60-64, 66-75 and 77-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-26, 57, 59, and 60-64, 66-75, and 77-79 are pending in the present application.

### ***Response to Arguments***

Applicant's arguments filed September 30, 2003 have been fully considered but they are not persuasive. As addressed below, Ginter et al. teaches the claimed limitations.

Ginter teaches display control means displays the notification related to the process in different manners in accordance with each of the step-by-step inhibitions included in the data control information (col. 4, lines 47-67; col. 5, lines 1-48; col. 9, lines 3-32; fig. 1). In figure 1a of Ginter, element 200f is a permissioning agent function as an inhibiting execution agent. He discloses VDE can audit and analyze the use of content, ensure that content is used only in authorized ways, and allow information regarding content usage to be used only in ways approved by content users. In addition, VDE is very configurable, modifiable, and re-usable, supports a wide range of useful capabilities that may be combined in different ways to accommodate most potential applications, is able to ensure the various rights of a number of different parties and a number of different rights protection schemes simultaneously, is able to preserve the rights of parties through a series of transactions that may occur at different times and different locations, and is able to flexibly accommodate different ways of securely delivering information and reporting usage. Thus, the flexibility of VDE enable

it to display information in different manners according to the required information to be displayed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **60-64, 66-75, and 77-79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (US patent no. 5,982,891).

Re claims **60, 66-67, 69, and 77-78**, Ginter had:

A.) a data processing which is capable of executing a process for data comprising data analysis means for extracting data control information from data provided with the data control information, the data control information including step-by-step inhibitions for use with a process for the data (col. 3, line 20 to col. 4, line 67; col. 5, lines 1-48; col. 6, lines 17-31; fig. 1). Ginter teaches the extracting of the data control information when he discloses the VDE system is configurable, modifiable, and re-usable. Since the VDE system is modifiable then it is extracting information to be modified in a secure method. Once the secure information is extracted then it is distributed to the users or any potential users. As for the restricting various processes, Ginter discloses the VDE securely administers transactions to specific users. Furthermore, only specific users

are allowed to access particular part of the restricted information. In figure 1a, element 200f is a permissioning agent function as an inhibiting execution agent.

B.) instruction reception means for receiving an instruction to execute the process for the data (col. 13, line 50 to col. 48; col. 86, line 23 to col. 87, line 49). In other words, Ginter teaches VDE control instructions to encapsulate and electronically distribute content that has been at least partially secured. Each event record may be a set of instructions to be executed by the end user's electronic appliance to make an addition or modification to the end user's secure database.

However, Ginter fails to explicitly teach display control and changing a displaying style as claimed. Nevertheless, Ginter teaches display control means displays the notification related to the process in different manners in accordance with each of the step-by-step inhibitions included in the data control information (col. 4, lines 17-64; col. 9, line 59 to col. 10, line 31). Ginter teaches the VDE system as restricting various process of information to be accessed by the users. Once a user selected a particular applications or graphics and fulfilled the required information then those information are displayed to other users in the restricted process. Furthermore, a display style corresponding to the restricted process function is disclosed by Ginter when he teaches the VDE allows modification of an application according to the content of a usage in certain applications (col. 9, line 59 to col. 10, line 31). For example, VDE can be used to protect the rights of parties who create electronic content such as games and movies (col. 4, lines 17-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display step of displaying a process function to

be restricted in accordance with the control information extracted by the extracting step because doing so would have enabled to display various process of the restricted information as noted in Ginter (col. 4, lines 47-67; col. 5, lines 1-48; col. 9, lines 3-32).

Re claims **61-63 and 70-73**, Ginter discloses data control information designates whether or not the execution of the process is to be permitted and display control means displays a notification that the data control information designates that the execution of the process is not permitted (col. 58, line 65 to col. 59, line 56; figs. 5b, 17-18, 72a-72d, and 86). Ginter teaches permission agent as an icon for identifying who can distribute the information and what other control mechanism must be active.

Re claims **64-65 and 74-76**, Ginter discloses process control means for inhibiting execution of the process for the data in accordance with the data control information and the data control information designates step-by-step inhibition of process execution for the data (col. 6, lines 45-67; col. 7, lines 21-30). Ginter teaches the step of restricting various processes to be performed for the data at a plurality of levels when he discloses the electronic information can easily combine selected building blocks to create a rights application that is unique to a specific content distribution model. Ginter's invention also provides electronic control information for a wide variety of different levels of information.

Re claims **68 and 79**, Ginter discloses a computer readable storage medium storing a program (col. 53, line 39 to col. 60; fig. 8). In figure 8, Ginter discloses a computer system consisting of storage medium such as backup storage, ROM, and RAM.

**Allowable Subject Matter**

Claims **1-26, 57, and 59** are allowed.

The following is an examiner's statement of reasons for allowance: Examiner searching for control means for controlling data processing means and display means in accordance with the data control information extracted by data analysis means wherein control means inhibits to execute an inhibited process in accordance with the data control information extracted from the data and controls the display means to change a display style of the process function of each of the various processes to an inhibition display style and a data processing apparatus for restricting to executed an inhibited process in accordance with the data control information extracted from the data and controlling display means to determine a display style of a process function of each of various processes, in combination with the other elements of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record. The dependent claims being further limiting to the independent claim, definite, and enabled by the Specification are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks



Art Unit: 2672

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan  
December 11, 2003



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600